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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,817	09/29/2003	Lovleen Chadha	2003P11408US	6687

7590 05/22/2006

Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

TORRES, MARCOS L

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,817

Applicant(s)

CHADHA, LOVLEEN

Examiner

Marcos L. Torres

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-21 and 23-28 is/are rejected.
- 7) ☒ Claim(s) 11 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6-15-05, 11-16-03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 13-16, 23-25 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Park US 20040203517A1.

As to claim 1, Park discloses a mobile communication device, comprising: a housing; and a keypad assembly disposed in the housing (see fig. 2, item 110), the keypad assembly having at least a first arrangement of keys and a second arrangement of keys (see fig. 2, item 113b, 113a), wherein the keypad assembly rotates for alternately presenting one of the first arrangement of keys and the second arrangement of keys to a user of the mobile communication device for keying information into the mobile communication device (see fig. 1 and 2; par. 0028-0031).

As to claims 2 and 24, Park discloses the mobile communication device wherein the keypad assembly comprises a key face on which the first arrangement of keys and second arrangement of keys are disposed and the keypad assembly rotates about an axis generally perpendicular to the key face (see fig. 1 and 2; par. 0028-0031).

As to claim 3, Park discloses the mobile communication device wherein the keypad assembly includes at least a first keypad for providing the first arrangement of keys and a second keypad for providing the second arrangement of keys (see fig. 2, item 113b, 113a).

As to claim 4, Park discloses the mobile communication device wherein the keypad assembly rotates so that one of the first keypad and the second keypad is rotated to a first position accessible by the user while the other of the first keypad and the second keypad is rotated to a second position at least substantially inaccessible by the user for keying information into the mobile communication device (see fig. 1 and 2; par. 0028-0031).

As to claims 5, 16 and 25, Park discloses the mobile communication device wherein the housing further comprises a display face having a display, the first position being in the keypad face 410 and the second position being within the housing beneath the display face (see fig. 1 and 2; par. 0028-0031).

As to claim 13, Park discloses a mobile communication device, comprising: a housing having a keypad face; a keypad assembly disposed in the housing (see fig. 2, item 110), the keypad assembly including at least a first keypad providing a first arrangement of keys and a second keypad providing a second arrangement of keys for keying information into the mobile communication device (see fig. 2, item 113b, 113a), wherein the keypad assembly rotates about an axis generally perpendicular to the keypad face for presenting one of the first keypad and the second keypad to a user of

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the mobile communication device for keying information into the mobile communication device (see fig. 1 and 2; par. 0028-0031).

As to claim 14, Park discloses the mobile communication device wherein the keypad assembly rotates so that one of the first keypad and the second keypad is rotated to a first position accessible by the user while the other of the first keypad and the second keypad is rotated to a second position at least substantially inaccessible by the user for keying information into the mobile communication device (see fig. 1 and 2; par. 0028-0031).

As to claim 15, Park discloses the mobile communication device wherein the first position is within the keypad face (see fig. 1 and 2; par. 0028-0031).

As to claim 23, Park discloses a mobile communication device, comprising: a housing (see fig. 2, item 110); and a keypad assembly disposed in the housing, the keypad assembly including an arrangement of keys (see fig. 2, item 113b, 113a), wherein the keypad assembly rotates within the housing so that the arrangement of keys is rotated between a first position accessible by the user for keying information into the mobile communication device and a second position at least substantially inaccessible by the user for keying information into the mobile communication device (see fig. 1 and 2; par. 0028-0031).

As to claim 28, Park discloses a mobile communication device, comprising: a housing (see fig. 2, item 110); a keypad assembly including a first arrangement of keys for keying information into the mobile communication device and a second arrangement of keys for keying information into the mobile communication device (see fig. 2, item

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113b, 113a); and means, disposed in the housing, for rotating the keypad assembly, wherein one of the first arrangement of keys and the second arrangement of keys is rotated to a first position accessible by the user while the other of the first arrangement of keys and the second arrangement of keys is rotated to a second position at least substantially inaccessible by the user for keying information into the mobile communication device (see fig. 1 and 2; par. 0028-0031).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 6, 9, 12, 17, 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Nuovo US 20040212597A1.

As to claims 6 and 17, Park discloses everything as explained above (see claim 2) except for the mobile communication device wherein the keypad assembly is generally disk shaped. In an analogous art, Nuovo discloses the mobile communication

device wherein the keypad assembly is generally disk shaped (see fig. 2, item 56).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to combine these teaching to use the device from different angles.

As to claims 9 and 20, Nuovo discloses the mobile communication device further comprising a motor assembly for rotating the keypad assembly (see par. 0019).

As to claims 12 and 27, Nuovo discloses the mobile communication device wherein the keypad assembly is removable from the housing (see par. 0029).

6. Claims 7-8, 10, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Nishiyama US005436954A.

As to claims 10 and 21, Park discloses mobile communication device, comprising: a housing having a keypad face (see fig. 2, item 110); a keypad assembly disposed in the housing, the keypad assembly including at least a first arrangement of keys and a second arrangement of keys for keying information into the mobile communication device (see fig. 2, item 113b, 113a). Park does not specifically disclose wherein the keypad assembly rotates about an axis generally parallel to the keypad face for presenting one of the first arrangement of keys and the second arrangement of information into the mobile communication device. In an analogous art, Nishiyama discloses wherein the keypad assembly rotates about an axis generally parallel to the keypad face for presenting one of the first arrangement of keys and the second arrangement of information into the mobile communication device (see fig. 8).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of invention to combine these teaching to improve the usability of the display and the keys.

As to claims 7 and 18, Nishiyama discloses the mobile communication device wherein the housing comprises a side surface and the keypad assembly comprises an edge protruding from the side surface, the keypad assembly being rotated by scrolling the edge (see fig. 1, 8; item 8).

As to claims 8 and 19, Nishiyama discloses the mobile communication device wherein the housing comprises a side surface having a thumb wheel for engaging the keypad assembly to rotate the keypad assembly (see fig. 1, 8; item 8).

As to claim 26, Nishiyama discloses the mobile communication device wherein the housing comprises a keypad face and the keypad assembly rotates about an axis generally parallel to the keypad face (see fig. 8).

Allowable Subject Matter

7. Claims 11 and 22 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The mobile communication device in wherein the keypad assembly comprises a spindle and the first arrangement of keys and the second arrangement of keys comprise rows of keys disposed along the spindle, have not been found or fairly suggested in the prior art search.

Conclusion

Any response to this Office Action should be mailed to:

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Or faxed to:

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for formal communication intended for entry, informal communication or draft communication; in the case of informal or draft communication, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcos L. Torres whose telephone number is 571-272-7926. The examiner can normally be reached on 8:00am-6:00 PM alt. Wednesday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Marcos L Torres

Examiner

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**CHARLES APPIAH
PRIMARY EXAMINER**